

STATE OF NEW MEXICO
COUNTY OF DONA ANA
THIRD JUDICIAL DISTRICT COURT

FILED

11 FEB -1 PM 4:03

DISTRICT COURT
DONA ANA COUNTY, NM

State of New Mexico *ex rel.*
Office of the State Engineer,
Plaintiff,

v.

Elephant Butte Irrigation District, *et al.*

Defendant.

No. CV 96-888

Lower Rio Grande Adjudication

James J. Wechsler, Presiding Judge

Expedited *Inter Se* Proceeding

Claims of the Estate of Nathan Boyd

Case No. RN-97-2413 9702413

Subfile No. LRR 28-099-1001

ORDER COMMENCING EXPEDITED *INTER SE* PROCEEDING
TO DETERMINE THE CLAIMS OF THE ESTATE OF NATHAN BOYD

THIS MATTER comes before the Court on the motion of the United States and Elephant Butte Irrigation District to designate a new stream system issue. The Court, having considered the briefing and argument on the matter and being otherwise fully advised in the premises,

FINDS:

1. The Court has jurisdiction of the subject matter of the motion.
2. The motion requests that the Court designate a new stream system issue.
3. The motion addresses only the claims of the Estate of Nathan Boyd, therefore an expedited *inter se* proceeding is appropriate under Rule 1-071.2 NMRA.
4. Resolution of the claims of the Estate of Nathan Boyd in an expedited *inter se* proceeding will promote judicial efficiency and expeditious completion of the adjudication.

11/20/00
02/07/11

IT IS THEREFORE ORDERED that the claims of the Estate of Nathan Boyd, as well as any related claims asserted by James Scott Boyd as an individual, are designated as an expedited *inter se* proceeding under the subfile number LRR 28-099-1001.

IT IS FURTHER ORDERED that no later than March 4, the Estate of Nathan Boyd and James Scott Boyd shall file a statement of claim describing in detail all water rights claimed in the Lower Rio Grande adjudication area, including:

1. All claims to use groundwater and surface water. For each water right claimed, the statement of claim shall state the elements of the water right, including the priority date, source of water, purpose of use, place of use, point of diversion, location and amount of irrigated acreage, the amount of water claimed, and the bases for the elements of the claimed water right(s).
2. All other claims to water rights. For each water right claimed, the statement of claim shall state the applicable elements of the water right and the bases for the elements of the claimed water right(s).

Participating in expedited *inter se* proceeding to determine the claims of the Estate of Nathan Boyd

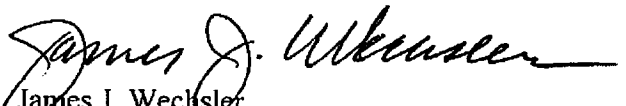
1. Claimants currently participating in Stream System Issue No. 104 are deemed participants in the instant expedited *inter se* proceeding, and do not need to file a Notice of Intent to Participate.
2. Claimants currently participating in Stream System Issue No. 104 who do not wish to participate in this expedited *inter se* proceeding must file a notice with the Court indicating that they do not wish to participate.

3. Other claimants who wish to participate in the expedited *inter se* proceeding shall file Form B, Notice of Intent to Participate, within sixty (60) days after this Order is posted on the court's website, <http://www.nmcourts.gov/watercases/lriogrande.html>. Form B can be downloaded from this website.

All parties who participate shall include the following designation on all documents filed with the Court related to the claims of the Estate of Nathan Boyd:

**Expedited *Inter Se* Proceeding
Subfile No. LRR 28-099-1001
Case No. RN-97-2413
Claims of the Estate of Nathan Boyd**

IT IS ORDERED that the Court shall hold a scheduling conference on April 5, 2011 at 11:00 AM. Any party who files a Notice of Intent to Participate may participate in the conference. The State shall confer with all participants in Stream System Issue No. 104 as of the entry of this Order, as well as those who filed a Notice of Intent to Participate in this expedited *inter se* proceeding, and file a consolidated scheduling report by March 25, 2011. If all parties cannot agree on a consolidated report, each disputing party shall file a separate proposed scheduling report.


James J. Wechsler
Presiding Judge